

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

KENYATTA PHILLIPS,

Defendant.

22-CR-176-LJV-JJM
DECISION & ORDER

1. On August 19, 2024, the defendant, Kenyatta Phillips, pleaded guilty to Count 1 of the superseding information charging a violation of Title 21, United States Code, Section 846 (conspiracy to possess with intent to distribute and to distribute methamphetamine). Docket Item 114.

2. On August 19, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 116.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 116), the plea agreement (Docket Item 114), the superseding information (Docket Item 113), a transcript of the plea proceeding (Docket Item 120), and the applicable law. This Court finds no legal or factual error in Judge McCarthy's Report & Recommendation and therefore adopts Judge McCarthy's

recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of count 1 of the superseding information.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's August 19, 2024 Report & Recommendation, Docket Item 116, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Kenyatta Phillips is now adjudged guilty under Title 21, United States Code, Section 846.

SO ORDERED.

Dated: November 30, 2024
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE